

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15692 of Berkshire, Inc., et al., pursuant to 11 DCMR 3108.1, for a special exception under Section 354 to establish a free standing valet as a personal service on part of the first floor of an apartment building in an R-5-B District at premises 4201 Massachusetts Avenue, N.W. (Square 1717, Lots 1 and 2).

HEARING DATE: September 9, 1992
DECISION DATE: September 9, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANCs) 3E, 3C and 3D, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to the application, testified at the public hearing in support of the application, but did not submit its written statement of issues and concerns in a timely manner.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 354. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The hours of operation of the valet service shall be between 8:00 a.m. and 9:00 p.m., Monday through Saturday; and between 9:00 a.m. and 6:00 p.m. on Sunday.

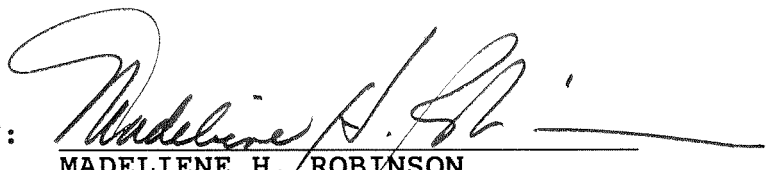
2. The total number of people employed or working at the business (grocery store, restaurant and valet service) shall not exceed seven (7).
3. The dry cleaning service shall consist of drop-off, pick-up and storage. Clothes shall not be dry cleaned on the premises.
4. There shall be no direct entrance to the dry cleaning service from the outside of the building, except for loading and unloading purposes.
5. No part of the dry cleaning service shall be visible from the Massachusetts Avenue sidewalk.
6. The dry cleaning service shall be located below or on the first floor of the building.
7. No signs advertising the dry cleaning service shall be posted on the exterior of the premises.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Paula L. Jewell, Angel F. Clarens, Maybelle Taylor Bennett, Sheri M. Pruitt and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

SEP 23 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15692Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



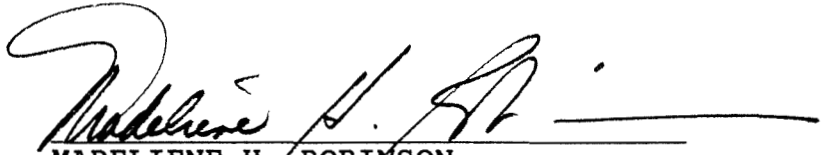
BZA APPLICATION NO. 15692

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 23 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Bernard C. Dietz, Esquire
1001 Connecticut Avenue, N.W.
Suite 838
Washington, D.C. 20036

Hong Su Jeon
4201 Massachusetts Avenue, N.W.
Washington, D.C. 20016

James Curtin, Chairperson
Advisory Neighborhood Commission 3E
P.O. Box 9953
Washington, D.C. 20016


MADELIENE H. ROBINSON
Acting Director

DATE: SEP 23 1992

15692Att/bhs